

UNITED STATES OF AMERICA,)	
)	Case Number 8:12MJ215
Plaintiff,)	
)	
vs.)	DETENTION ORDER
)	
)	
ATHDIEL GOMEZ-COBA,)	
)	
Defendant.)	

After the defendant waived a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).

 X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.

 X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.

Past conduct of the defendant:

- ____ The defendant has a history relating to drug abuse.
____ The defendant has a history relating to alcohol abuse.
____ The defendant has a significant prior criminal record.
____ The defendant has a prior record of failure to appear at court proceedings.

(b) At the time of the current arrest, the defendant was on:

- ____ Probation
____ Parole
____ Supervised Release
____ Release pending trial, sentence, appeal or completion of sentence.

(c) Other Factors:

- X The defendant is an illegal alien and is subject to deportation.
____ The defendant is a legal alien and will be subject to deportation if convicted.
X The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal.
____ Other: _____

X (4) The nature and seriousness of the danger posed by the defendant's release are as follows:

Prior Deportation - 2004

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 25th day of July, 2012.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge